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**WALTER A. HACKLER  
LAW OFFICE**

# Fax

**To:** Petition Division

**From:** Walter A. Hackler

**Fax:** 571.272.4000

**Pages:** 12

**Phone:** 571.273.8300

**Date:** Thursday, January 31, 2008

**Re:** Response and Petition for Revival

**CC:**

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

• **Comments:**

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3310

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven D. Kimmell, et al.	)Examiner
Serial No.:	10/599,829	)Unknown
Filed:	10/11/2006	)Art Unit
For:	<u>MULTI-SITE INJECTION SYSTEM</u>	)Unknown

January 2008

RESPONSE TO NOTIFICATION OF ABANDONMENT

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

In response to a Notice of Abandonment (copy attached) mailed January 25, 2008, the Applicant submits a Petition for Revival of the hereinabove referenced patent application under 35 CFR 1.137(b).

This application was given an incorrect serial number and the Applicants never received a filing receipt or the Notice of Abandonment mailed May 16, 2007 referenced to in the accompanying "Withdrawal of Previously Sent Notice". Therefore, abandonment was unintentional on the part of the Applicant.

Attached herewith are signed declaration not previously submitted and not asked for in the Notice of Abandonment mailed January 25, 2008.

Respectfully submitted,

  
Walter A. Hackler

Attorney of Record, Registration No. 27,792

2372 S.E. Bristol, Suite B

Newport Beach, California 92660

(949) 851-5010

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JAN 31 2008

PTO/SS/64 (12-07)

Approved for use through 12/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

3310

First named inventor: STEVEN D. KIMMELL

Application No.: 10/599,829

Art Unit: UNKNOWN

Filed: OCTOBER 11, 2006

Examiner: UNKNOWN

Title: MULTI-SITE INJECTION SYSTEM

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action  
by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of  
the period set for reply in the office notice or action plus any extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,540 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of FEES/DECLARATION (Identify type of reply):☐ has been filed previously on \_\_\_\_\_☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_☐ is enclosed herewith.

02/05/2008 (FREY1 00000158 10599829)

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1540.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 4/12 \* RCVD AT 1/31/2008 1:04:02 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-5/42 \* DNIS:2738300 \* CSID:9497521925 \* DURATION (mm-ss):02-28

JAN 31 2008

PTO/SB/64 (12-07)

Approved for use 12/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

WALTER A. HACKLER

Typed or printed name

2372 S.E. BRISTOL STREET, SUITE B

Address

NEWPORT BEACH, CALIFORNIA 92660-0755

Address

JANUARY 31, 2008

Date

27,792

Registration Number, if applicable

(949) 851-5010

Telephone Number

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: CREDIT CARD FORM

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

JANUARY 31, 2008

Date

Signature

WALTER A. HACKLER

Type or printed name of person signing certificate

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/599,829		Steven D. Kimmell	17683(AP)

CONFIRMATION NO. 5234

Walter A Hackler  
Patent Law Office  
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Newport Beach, CA 92660-0755

## WITHDRAWAL NOTICE



0000000027909032

Date Mailed: 01/25/2008

## WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice of Abandonment mailed on 05/16/2007 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. The Office regrets any inconvenience the error may have caused.

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at  
1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/tsirivongxay/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22315-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/599,829	Steven D. Kimmell	17683(AP)

Walter A Hackler  
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INTERNATIONAL APPLICATION NO.	
PCT/US05/12122	
IA FILING DATE	PRIORITY DATE

CONFIRMATION NO. 5234  
371 ABANDONMENT/TERMINATION  
LETTER

Date Mailed: 01/25/2008

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225